

Commissioner for Patents United States Patent and Trademark Office Washington, D.C. 20231

Paper No. 22

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ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON ST SUITE 4000 CHARLOTTE NC 28280-4000

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In re Application of Tuomanen, et al. Application No. 09/056,019 Filed: April 7, 1998 Attorney Docket No. 44158/207989

DECISION ON PETITION

This is a decision on the petition filed on February 2, 2001 pursuant to 37 CFR 1.137(b), to revive the above-identified application.

The petition is GRANTED.

The above-identified application became abandoned for failure to timely file a proper response to the non-final Office action, timely file a proper response to the non-final Office action, mailed May 24, 2000, which set a shortened statutory period for melly of three (3) months. While a response to the non-final reply of three (3) months. While a response to the non-final office action was submitted on December 27, 2000, this response (an Amendment) could not be entered because it was outside of the maximum period obtainable for reply. Accordingly, the abovemaximum period obtainable for reply. Accordingly, the identified application became abandoned on August 25, 2000. The identified application became abandoned on August 25 abandonment.

The petitioner has met the requirements to revive the above-identified application, pursuant to 37 CFR 1.137(b). Petitioner submitted the required reply in the form of an amendment, paid the petition fee, and made the proper statement of unintentional

The application file is being forwarded to Technology Center 1600 for consideration of petitioner's amendment, filed February 2, 2001.

Telephone inquiries regarding this decision should be directed to Patitions Attorney Cliff Congo at (703) 305-0272.

Beverly M. Flanagan Supervisory Petitions Examiner Office of Petitions Office of the Deputy Commissioner Office of the Deputy Commissioner for Patent Examination Policy

The instant petition was filed by attorney David Jackson. However, on April 27, 2001, a Revocation of Power of Attorney and New Power of Attorney was filed by the assignee, St. Jude Children's Research Hospital.